

Amendment No. 1 to HB0939

Faulkner
Signature of Sponsor

AMEND Senate Bill No. 691*

House Bill No. 939

by deleting all language following the enacting clause and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 8-10-202, is amended by deleting the section in its entirety and by substituting instead the following language:

Section 8-10-202.

(a)

(1) Except as provided in subdivision (2), each constable shall complete forty (40) hours of in-service training by June 1 of the year following the constable's election and forty (40) hours of in-service training by June 1 of each subsequent year during the term for which the constable was elected. Such training shall be equivalent to the annual in-service training required to be completed by a law enforcement officer.

(2) The provisions of subdivision (1) do not apply to any law enforcement officer who has completed the annual in-service training required pursuant to law.

(b) The training required by this section shall be made available by the Tennessee Constable Association or Tennessee Constable Council to allow for the completion of training prior to June 1 of each calendar year and the issuance of a certificate of such training to the constable no later than June 15 immediately following.

(c) Upon receipt of a certificate of training issued by the Tennessee Constable Association or Tennessee Constable Council, the constable shall

immediately file a copy of the certificate with the county clerk in which the constable serves.

SECTION 2. Tennessee Code Annotated, Section 8-10-102, is amended by deleting the section in its entirety and by substituting instead the following language:

(a) Beginning with the 2010 election and thereafter, to qualify for the election or appointment to the office of constable a person shall:

(1) Be a citizen of the United States;

(2) Be at least twenty-one (21) years of age;

(3) Be a qualified voter of the county;

(4) Be able to read and write;

(5) Not have been convicted of by a court of the United States, the state of Tennessee, or any state or territory of the United States of an offense that was a felony;

(6) Have caused such person's fingerprints to be filed with the Tennessee bureau of investigation;

(7) Not have been released, separated or discharged from the armed forces of the United States with a dishonorable discharge.

(b) In addition to the requirements of subsection (a), if the constable has law enforcement powers, prior to qualifying for an election or appointment to the office of constable after the effective date of this act, have been certified by a qualified professional in the psychiatric or psychological fields to be free of all apparent mental disorder as described in the Diagnostic and Statistical Manual of Mental Disorders, Third Edition (DSM III) or its successor, of the American Psychiatric Association. Such certification shall be filed with the county clerk of the county in which the person is seeking the office of constable to paid by for the constable.

(c) Any person seeking the office of constable shall file the following with the county election commission at the time the nominating petition for the office of constable is filed:

(A) An affidavit sworn to and signed by the candidate affirming that the candidate meets the requirements of subsection (a); and

(B) A confirmation of psychological evaluation certified by the psychologist/psychiatrist providing psychological evaluation as provided for in subdivision (b) for the purposes of constable qualification.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.